

REMARKS

Claims 37-62 were pending in this application. Claims 1-21, 35 and 36 were previously cancelled. Claims 22-34 were previously withdrawn. Claims 39-62 were previously added.

Claims 37 and 38 are currently amended in order to clarify that the game of chance is selected from a plurality of gaming machines residing at the gaming establishment. Support for the amendment may be found throughout the specification in general and at least on page 8, line 23 to page 9, line 2. No new matter was added.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 37-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,001,016 to Walker ("Walker") in view of U.S. Patent Nos. 6,409,602 to Wiltshire ("Wiltshire") and 6,183,366 to Goldberg ("Goldberg"). Claims 37 and 38 were further rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,012,984 to Roseman ("Roseman") in view of Goldberg. In each case, the Examiner states that a primary reference (Walker and Roseman) fails to disclose a communication link between the remote terminal and a gaming site, but that a secondary reference (Goldberg) teaches the communication link, and it would have been obvious to modify the primary references to include this aspect of the invention. The Applicant respectfully traverses these rejections on the basis that, even if there is motivation to combine (which there is not), significant claim features and limitations are still missing from the proposed combinations.

The Applicant's invention, as recited in independent claims 37-39, 52, and 62, is directed to a remote gaming method, and a computer therefor, where players at gaming terminals located outside a gaming establishment may play gaming machines located inside the gaming establishment. The invention allows players to play a real gaming machine (i.e., not a virtual gaming machine) without having to be present at the gaming establishment. Prior to the Applicant's invention, players had to actually travel to the gaming establishment in order to play a real gaming machine. As one might imagine, there are tremendous advantages to being able to play a real gaming machine from one's home, including savings in time, costs, and the overall convenience and comfort factor.

The Examiner contends that the Applicant's claimed invention is obvious. This, despite the fact that in the more than 10 years the Internet has been widely available, no one came up with the Applicant's invention. The closest thing that the Examiner has found so far is the remote gaming system of Walker. However, Walker also failed to come up with the claimed invention, even though the technological capability surely existed at the time Walker was filed. As explained in the previous response, Walker's "hopper" and "map" would seem to require that players actually be at the gaming establishment. Nowhere does Walker teach or suggest otherwise. Therefore, contrary to the Examiner's contention, Applicant respectfully submits that the claimed invention is anything but obvious.

In any case, combining Walker, Goldberg, and Wiltshire does not produce the claimed invention (the Roseman-Goldberg combination is addressed later herein). All of the independent claims (claims 37-39, 52, and 62) recite **two** intermediate nodes – a gaming server and a gaming site – between the gaming machine and the remote gaming terminal. The gaming machine generates outcome data (e.g., reel position, win/lose indicator, amount won or lost, etc.) and passes the data through the **two** intermediate nodes to the gaming terminal. The relevant portions of the claims are reproduced below for the Examiner's convenience. Note that claim 62 is written in means-plus-function form and must be construed under 35 U.S.C. § 112, ¶ 6, to cover the corresponding structures disclosed in the specification, including the gaming server and the gaming site.

Claim 37: "...receiving randomly-generated text or graphical outcome data at said remote terminal for said selected game, said outcome data being generated by the gaming machine at said gaming establishment and relayed to said **gaming site** through a **gaming server** connected to said gaming site."

Claim 38: "...transmitting said outcome data from said **gaming server** to said **gaming site** for display to said player on said remote terminal in text or graphical form."

Claim 39: "...said **gaming site** in communication with a **gaming server** for collecting outcome data from gaming machines located inside the gaming establishment..."

Claim 52 (preamble): "...said remote computer connected to a **gaming site** through a global computing network served by said **gaming server**..."

Claim 62: "...means for receiving a text or graphical outcome resulting from a play of said selected local gaming machines..."

Neither Walker, Goldberg, nor Wiltshire teaches the concept of using two intermediate nodes. On the contrary, Walker uses only one intermediate node, namely, a slot network server. (See, e.g., Walker, FIG. 1). Likewise, Goldberg also uses only one intermediate node, namely, a gaming site. As for Wiltshire, this reference does not appear to contain any intermediate nodes. (See, e.g., Wiltshire, FIG. 1D). Therefore, modifying Walker (a single-node system) with the teachings of Goldberg (another single-node system) and Wiltshire (a zero-node system) would produce a system that still has at most only one intermediate node.

The Examiner proposes to simply throw a couple of single-node systems together and thereby produce the two-node system of the claimed invention. However, when patentability turns on the question of obviousness, the mere fact that a device in a cited reference could have been modified to yield a device within the claimed invention does not make the modification obvious **unless the prior art suggested the desirability of the modification**. *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984). The Examiner can satisfy the burden of showing the obviousness of the modification "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fritch*, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992).

In the present case, there is no motivation to add the Goldberg gaming site to the Walker system, at least not as a separate node. None of the references provide any reason or suggestion for keeping the gaming site separate from the slot network server. Moreover, the trend in high-technology has been steadily moving toward integration, not segregation. This is clearly seen from Goldberg itself in that the gaming site has a game controller incorporated therein, not as a separate node. (See Goldberg, FIG. 3). The numerous benefits of such integration are well-documented, including higher cost savings, better resource management, and a simpler, more streamlined approach overall. Therefore, if a person of ordinary skill in the art were to add the Goldberg gaming site to the Walker system, he or she would do so by combining the two nodes into one. Given the wholesale changes that would have to be made regardless, there is little or no benefit to be gained by keeping them separate.

As for Roseman, this reference (like Wiltshire) also uses zero intermediate nodes. Therefore, the combination of Roseman and Goldberg would again not produce the two-node system of the claimed invention. And in any case, the only potential benefit to adding the Goldberg gaming site is to make Roseman's gaming machine/server accessible via html pages. However, Roseman's gaming machine/server is already accessible via html pages (see, e.g., col. 5, lines 12-45) and would derive little or no benefit from the addition of the Goldberg gaming site. Indeed, the Examiner's proposed combination might negate the advantages of having a single, integrated gaming machine/server generate the html pages in the first place, including reducing the total number of machines/servers needed. Therefore, the Applicant respectfully submits no person of ordinary skill in the art would follow the course outlined by the Examiner.

Nevertheless, in order to expedite allowance of this application, claims 37 and 38 have been amended to clarify that the game of chance is selected from a plurality of gaming machines residing at the gaming establishment. Both Roseman and Goldberg teach a single gaming machine, i.e., a game server in Roseman and a game controller in Goldberg. Therefore, even if there is motivation to combine, the combination of Roseman and Goldberg would not produce the invention as now claimed in amended claims 37 and 38.

Accordingly, for at least the reasons stated above, withdrawal of the rejections against independent claims 37-39, 52, and 62 under 35 U.S.C. § 103(a) is respectfully requested.


As for claims 40-51 and 53-61, although they may recite independently allowable subject matter, these claims depend from independent claims 37-39, 52, and 62, and are therefore allowable for at least the reasons stated above.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: September 8, 2004

Respectfully submitted,

By 

Daniel G. Nguyen

Registration No.: 42,933

JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION

225 W. Washington, Ste. 2600

Chicago, Illinois 60606-3418

(713) 951-3354

(713) 951-3314 Facsimile

Attorneys For Applicant